

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TROY DEMOND KING,
Plaintiff,

v.

ANNIE DOROTHY BARRETT,
Defendant.

Case No. 24-cv-02572-LJC

**ORDER TO SHOW CAUSE WHY
APPLICATION TO PROCEED IN
FORMA PAUPERIS SHOULD NOT BE
DENIED**

Re: Dkt. No. 2

Plaintiff Troy Demond King, pro se, applies to proceed in forma pauperis. King asserts that he has been unemployed since 2022, and that he has no income or assets of any kind other than: (1) a bank account with a balance of zero; and (2) a “PRIVATE REGISTERED BOND FOR INVESTMENT” with a value of \$100,000,000. ECF No. 2.

If King in fact owns a bond worth one hundred million dollars, it would seem that he is not “unable to pay such fees” as would be required to proceed with this case because he could sell that bond (or potentially borrow against its value), and he is therefore not entitled to proceed in forma pauperis. *See* 28 U.S.C. § 1915(a)(1). Moreover, with no assets or income except for one purported investment bond, and no suggestion that he *has* sold or borrowed against the bond, it is not clear from King’s application how he pays the \$2,950 he reports in monthly expenses, ECF No. 2 at 3, ¶ 8, which calls into question the accuracy of his other responses.

The Court further notes that King failed to complete the section of the form application requiring him to list any other cases where he has raised the same claim. King checked the box indicating that “the complaint [he is] seeking to file raise[s] claims that have been presented in other lawsuits”, but in the section asking him to list the names, case numbers, and courts for such previous lawsuits, King wrote only the word “Text”. ECF No. 2 at 4, ¶ 10. That section not only helps the Court to determine whether this case should be deemed related to an existing case or

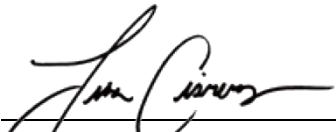
whether King's claims might be barred by a previous decision, but also can be relevant to the question of whether King is entitled to proceed in forma pauperis because filings in other cases might demonstrate that he has (or does not have) sufficient assets to pay the filing fee. If King wishes to proceed in forma pauperis, he must fully answer each of the questions in the Court's form application.

King is therefore ORDERED TO SHOW CAUSE why his Application to Proceed in Forma Pauperis should not be denied. King must file a response to this order no later than May 21, 2024 addressing: (1) why the \$100,000,000 bond that he reports owning does not mean he is able to afford the filing fee for this case; (2) how he pays his reported \$2,950 monthly expenses and any other necessities; and (3) what previous cases presented the same claims that he raises in this case. Alternatively, if King does not believe that he can demonstrate eligibility to proceed in forma pauperis, he may pay the filing fee.

If King files a response to this Order sufficiently resolving the issues addressed above, the Court will then consider whether his Complaint states a claim sufficient to proceed under 28 U.S.C. § 1915(e)(2). If King files a response that does *not* show that he is entitled to proceed in forma pauperis, the case will be reassigned to a United States district judge with a recommendation that the Court deny King's Application to Proceed in Forma Pauperis. If King does not file a response to this Order (or pay the filing fee) by May 21, 2024, the case will be reassigned with a recommendation that the Court dismiss the case for failure to prosecute and failure to comply with a Court order.

IT IS SO ORDERED.

Dated: May 1, 2024



LISA J. CISNEROS
United States Magistrate Judge